Supreme Court, U.S.
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No. 91-1897

In the Supreme Court of the United States

OCTOBER TERM, 1992

MARVIN D. CUTRIGHT, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

KENNETH W. STARR
Solicitor General

STUART M. GERSON
Assistant Attorney General

DAVID M. COHEN
JAMES M. KINSELLA
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Washington, D.C. 20530
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25+1/0

QUESTION PRESENTED

Whether the Administrative Office of the United States Courts properly determined that petitioner was not entitled to benefits under the Annual and Sick Leave Act, 5 U.S.C. 6301, for the period of his employment as a court reporter prior to January 1984.

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v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

OPINIONS BELOW

The decision of the court of appeals (Pet. App. 1a-10a) is reported at 953 F.2d 619. The decision of the Claims Court (Pet. App. 11a-27a) is reported at 21 Cl. Ct. 490.

JURISDICTION

The judgment of the court of appeals was entered on January 14, 1992. A petition for rehearing was denied on March 5, 1992. The petition for a writ of certiorari was filed on May 28, 1992. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

1. Petitioner served as an official court reporter for the United States District Court for the Western District of Pennsylvania from August 30, 1958, until

his retirement on October 6, 1986. Pet. App. 2a, 68a. Shortly after retiring, petitioner sought payment for 2,976 hours of sick leave and 1,281 hours of annual leave allegedly accrued during his service from 1958 through 1986. *Id.* at 39a. He claimed that he was entitled to these benefits under the Annual and Sick Leave Act of 1951, 5 U.S.C. 6301 (Leave Act or Act).

Benefits under the Act are not payable to a "part-time employee who does not have an established regular tour of duty during the administrative work week." 5 U.S.C. 6301(2)(B)(ii). The Administrative Office of the United States Courts [1] accordingly informed petitioner that he would receive only those annual and sick leave benefits that accrued after January 8, 1984, because all court reporters were ineligible for Leave Act benefits prior to 1984. Pet. App. 14a. This position reflected the long-standing interpretation of the Act by the Administrative Office and the Comptroller General of the United States. See App., *infra*, 1a.

Prior to 1984, court reporters did not have fixed schedules. Their hours and duties fluctuated from day to day, which enabled them to accept work from private sources. Pet. App. 14a. Beginning in 1984, the Judicial Conference altered its policy toward court reporters [2] and for the first time made them eligible

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[1] The Administrative Office possesses the responsibility to "[s]upervise all administrative matters relating to the offices of clerks and other clerical and administrative personnel of the courts." 28 U.S.C. 604(a)(1). The Administrative Office, in turn, operates under the supervision and direction of the Judicial Conference of the United States. 28 U.S.C. 604(a).

[2] Court reporters are appointed and employed by the district courts, subject to the supervision of the Judicial Conference. 28 U.S.C. 753.

to earn benefits under the Leave Act. Accordingly, those court reporters who agreed not to accept any free-lance work and who were placed on a regular tour of duty—*i.e.*, given fixed work hours that were specified in advance—began to accrue sick and annual leave benefits. See App., *infra*, 3a.

2. On March 15, 1988, petitioner filed suit in the Claims Court to recover benefit payments allegedly accrued from 1958 through 1984. Petitioner also moved for certification of this case as a class action. The Claims Court denied that motion. *Cutright* v. *United States*, 15 Cl. Ct. 576 (1988).

The parties then filed cross-motions for summary judgment. On October 3, 1990, the Claims Court granted petitioner's motion. The court ruled that he was a full-time employee and therefore did not fall within the exception in the Leave Act for part-time employees who do not have a regular tour of duty. Pet. App. 18a. The court granted petitioner's request for payment for unused leave, but limited his recovery to 240 hours of leave, as required by 5 U.S.C. 6304(a). Pet. App. 25a. Petitioner appealed this limit on his compensation, and the United States cross-appealed the Claims Court's judgment in favor of petitioner.

3. The court of appeals reversed. Pet. App. 1a-10a. The court held first that petitioner was a part-time employee. In reaching this holding, the court noted that prior to 1984 petitioner could take work from private sources whenever not in court; that when he took vacation, the court required him to hire his own replacement; and that although the government usually supplies equipment for full-time employees, under 28 U.S.C. 753(e), petitioner was specifically required to supply his own recording equipment. Pet. App. 5a.

The court then held that petitioner also lacked a regular tour of duty, which it noted was further proof that petitioner was a part-time employee. In so holding, the court observed that the district court did not require petitioner's services for 40 hours each week; that he came to the courthouse only when his services were needed and could leave when not in service; and that the court "did not exercise full-time supervision" over petitioner. Pet. App. 5a-6a. Based on its conclusion that from 1958 through 1983 petitioner was a part-time employee without a regular tour of duty, the court held that he was not entitled to Leave Act benefits for that period. *Id.* at 5a-6a.

ARGUMENT

The court of appeals' decision is correct and does not conflict with any decision of this Court or any other court of appeals. Further review is accordingly unwarranted.

1. The Annual and Sick Leave Act of 1951, 5 U.S.C. 6301, provides for the accrual by federal employees of annual and sick leave. The Act specifically excludes from coverage a "part-time employee who does not have an established regular tour of duty during the administrative workweek." 5 U.S.C. 6301 (2)(B)(ii). Petitioner contends that the court of appeals erred in concluding that prior to 1984 he was a part-time employee without a regular tour of duty, and was therefore ineligible to receive Leave Act benefits. The court of appeals' decision, however, is consistent with the long-standing interpretation of the agencies charged with the Act's enforcement, and prior judicial precedent.

a. Although the decisions of the Comptroller General are not binding upon this Court, it has long been

recognized that it is proper for courts to consider and accord appropriate deference to those decisions. See, *e.g.*, *Greene County Planning Bd.* v. *Federal Power Comm'n*, 559 F.2d 1227, 1242 (2d Cir. 1976). Cf. *Udall* v. *Tallman*, 380 U.S. 1, 16 (1965). For nearly 40 years, the Comptroller General unfailingly held that court reporters were not entitled to Leave Act benefits. As early as 1945, the Comptroller General determined that court reporters did not work according to fixed schedules, but rather worked only when the court needed their services. 25 Comp. Gen. 185, 187 (1945). The Comptroller General thus concluded that "the nature of the duties of court reporters is such as to be inconsistent with the granting of leave of absence with pay." *Id.* at 187-188.

The Comptroller General revisited this issue in 1974, in a case nearly identical to the present one. The court reporter in that instance claimed that he was a full-time employee, and to support his claim he pointed out that he was paid a fixed, annual salary. 54 Comp. Gen. 251, 256 (1974). The Comptroller General rejected his claim. In order to earn leave, the Comptroller General explained, an employee must have a regular tour of duty—*i.e.*, a "definite and certain time, day and/or hour of any day during the workweek" when the employee is unequivocally required to work. *Id.* at 257. Court reporters, by contrast, were required to work only when the court needed their services, and were otherwise free to practice their profession privately and thereby augment their income. *Id.* at 258. The Comptroller General thus found "no basis for concluding [that] the holding at 25 Comp. Gen. 185 (1945) is no longer applicable to court reporters." *Ibid.*

The decision of the court of appeals is also consistent with the interpretations of the Administrative

Office and the Judicial Conference, the offices charged with supervising court reporters. These agencies have consistently taken the position that prior to 1984 court reporters were excluded from coverage under the Leave Act.[3] App., *infra*, 1a. This interpretation in fact led the Judicial Conference in 1983 to alter the terms of court reporters' employment so that they could become eligible for Leave Act benefits under the terms of the statute. In that year, the Judicial Conference adopted the following resolution:

> Beginning with the 1984 leave year (effective January 8, 1984) a reporter who has been placed on a regular tour of duty consisting of a set number of work hours per week in the courthouse, specified in advance * * * is to earn annual leave in accordance with the Leave Act, 5 U.S.C. 6301 et. seq.

App., *infra*, 5a. This resolution enabled court reporters, for the first time, to earn Leave Act benefits.[4] Before the adoption of this resolution, however, the Administrative Office, the Judicial Conference and

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[3] Petitioner contends (Pet. 15) that the Administrative Office has admitted that the Leave Act always applied to court reporters. The 1983 memorandum to which he refers, however, concerned the applicability of the Leave Act to United States Magistrates, Bankruptcy Judges and the personal staff of circuit and district court judges. See Pet. App. 43a-51a. Despite petitioner's unsubstantiated assertion to the contrary, see Pet. 15, court reporters are not members of any judge's personal staff. Pursuant to the Court Reporters Act, 28 U.S.C. 753, court reporters work for a particular court, not a particular judge.

[4] Under the policy stated in the resolution, petitioner earned both sick leave and annual leave commencing in 1984. Pet. App. 14a; App., *infra*, 3a-4a.

the Comptroller General all concluded that court reporters were not entitled to Leave Act benefits.

b. The court of appeals' decision is also consistent with the decisions of the other courts that have considered this question. In *Lemily* v. *United States*, 418 F.2d 1337 (Ct. Cl. 1969), temporary relief deck officers and engineers sought Leave Act benefits. The employees were paid hourly, and did not have a fixed schedule, but they worked the annual equivalent of a 40-hour week. Like petitioner, the *Lemily* plaintiffs sought benefits based on the claim that a person who works the annual equivalent of a 40-hour week is, by definition, not a "part-time" employee under the Leave Act. The court rejected this argument:

> the full-time employee to whom the provisions of the 1951 Act are applicable is one regularly *required* to put in the standard workweek, not a when-actually-employed employee who *happens to work the annual equivalent of a 40-hour week.*

Id. at 1345 (emphasis added).

The *Lemily* court also clarified that a "regular tour of duty" represents "a specific period of time, regularly established in advance, during which an employee is unequivocally required to work." 418 F.2d at 1344. The court of appeals properly applied this analysis to the present case and determined that petitioner, in addition to being a part-time employee, did not have a regular tour of duty. He was not required to be at the courthouse for 40 hours each week; he came to the court only when his services were required; he was not supervised and could leave the courthouse when not in service; and his schedule fluctuated, depending on the needs of the court. Pet. App. 6a-7a. Regardless of the fact that petitioner may have worked the annual equivalent of a 40-hour

week, the court of appeals correctly concluded that he was a part-time employee without a regular tour of duty within the meaning of the Act.[5]

Petitioner relies on two cases in support of his argument that court reporters are full-time employees, *Cain* v. *United States*, 77 F.Supp. 505 (N.D. Ill. 1948), and *Sauer* v. *United States*, 354 F.2d 302 (Ct. Cl. 1965). Pet. 11-12. These two cases are inapposite to the present one. In *Cain*, the court held that a judge's personal secretary should not have been excluded from the Leave Act simply because her supervisor, an Article III judge, was excluded. The court found this exclusion improper because it did not fall within one of the enumerated exceptions contained in the Leave Act.

The court also rejected the Comptroller General's suggestion that judicial secretaries should be excluded because their duties are part-time and fluctuate. *Cain*, 77 F.Supp. at 507. Significantly, the court disagreed with the Comptroller General not over his interpretation of the Leave Act, but rather over the Act's application to judicial secretaries. As the judge in that case observed, his own secretary, as well as all other judges' secretaries in his district, "are obliged to observe a fixed schedule of attendance, being on duty every day from nine to five o'clock." *Ibid.* His Secretary thus was a traditional nine-to-five, full-time employee. Petitioner, on the other hand, was neither

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[5] Petitioner suggests (Pet. 18) that the United States conceded in response to interrogatories that he was not a part-time employee. This is incorrect. The United States has argued, as the court of appeals found (Pet. App. 9a), that petitioner was excluded from the Leave Act because he was a part-time employee *and* did not have a regularly scheduled tour of duty.

a member of a judge's personal staff nor required to work full time according to a fixed schedule. Unlike the judicial secretary in *Cain*, moreover, petitioner fits well within an enumerated exception to the Leave Act, namely that which excludes part-time employees without a regular tour of duty.

Sauer is similarly inapplicable to the facts of this case. In *Sauer*, the Court of Claims found that the Leave Act did not apply to a Court of Claims auditor. 354 F.2d at 305. Court of Claims auditors and court reporters represent very different job classifications, however. See 41 U.S.C. 114(a) (providing for the appointment of Court of Claims auditors for the purpose of "expediting the adjudication of termination claims"). For nearly four decades, the policy of the judiciary deemed that the Leave Act exception for part-time employees without a regular tour of duty was applicable to court reporters. That the Court of Claims determined that the exception was not applicable to Court of Claims auditors hardly diminishes the weight of authority holding the contrary with regard to court reporters.[6]

c. The court of appeals' decision is consistent not only with precedent but with congressional policy as well. If petitioner had been eligible for Leave Act benefits, and he did accept private work, on any given day that he was not in court petitioner might have received payment from three separate sources: (1) the private party for whom he did work; (2) the

[6] Amicus' reliance on *Goldhaber* v. *Foley*, 519 F. Supp. 466 (E.D. Pa. 1981), is equally misplaced. The court there examined the authority of Congress and the Administrative Office to appoint contract reporters to the bankruptcy court; it did not address the nature of the duties of district court reporters, nor did it at all suggest that district court reporters work according to a fixed schedule.

Leave Act; and (3) his salary as a court reporter. Surely Congress did not intend the Leave Act to provide a third source of income to such part-time employees. The court of appeals was correct to endorse the Comptroller General's conclusion that prior to 1984 the nature of a court reporter's duties was inconsistent with granting leaves of absence with pay. Pet. App. 6a.

2. Petitioner also contends that he has been deprived of property without due process of law. Pet. 21-23. However, "[t]he [Constitution's] procedural protection of property is a safeguard of the security of interests that a person has already acquired in specific benefits." *Board of Regents of State Colleges* v. *Roth*, 408 U.S. 564 (1972). As discussed above, between 1958 and 1984 petitioner did not acquire a property interest in leave benefits. He simply was not eligible for Leave Act benefits until January 1984, when he was placed upon a regular tour of duty by the district court. Because petitioner had no property interest, his argument that he was deprived of property without due process of law is without merit.

3. Petitioner contends that the court of appeals relied upon evidence outside the record in reaching its conclusion that he did not earn Leave Act benefits prior to 1984. Pet. 23-27. Specifically, petitioner objects to the court of appeals' suggestion that he was "free to take work from independent sources." Pet. 25. This information, however, was easily inferred from the Claims Court's following findings of fact:

> Plaintiff's work schedule was subject to the needs of the court. He was required to be available to report proceedings held by the court, often without advance notice. * * * [Plaintiff's] uncertain work schedule * * * invariably required him to

> work more than 40 hours one week, and less than 40 hours another.

Pet. App. 21a-22a.

The court of appeals did not state that petitioner in fact accepted work from outside sources, but rather that he was free to do so given the flexibility of his work schedule. Petitioner, in turn, did not object to the Claims Court's findings of fact, nor did he assert that he did not take work from independent sources. Petitioner's claim that the court of appeals relied upon evidence outside the record is therefore without merit.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

KENNETH W. STARR
Solicitor General

STUART M. GERSON
Assistant Attorney General

DAVID M. COHEN
JAMES M. KINSELLA
AGNES M. BROWN
Attorneys

JULY 1992

APPENDIX

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
Washington, D.C. 20544

March 3, 1987

L. Ralph Mecham
Director

James E. Macklin, Jr.
Deputy Director

R. Glenn Johnson
Chief of the
Division of Personnel

Mr. Marvin D. Cutright
Cutright, Lilienthal & Powers, Inc.
Certified Court Reporters
711 The Bigelow
Pittsburgh, Pennsylvania 15219

Dear Mr. Cutright:

Reference is made to your letter of January 29, 1987 in further support of your claim for 1084 hours of annual leave over that which is indicated by the official leave records maintained in the clerk's office.

While official court reporters are government "employees" within the meaning of the Leave Act, they do not earn annual sick leave because they do not "have an established regular tour of duty during the administrative workweek." 5 U.S.C., section 6301 (2)(ii). This has been the conclusion of both the Administrative Office and the Comptroller General of the United States for the past 42 years, essentially the entire time that the Court Reporter Act has ex-

isted. In September 1983, however, the Judicial Conference resolved that, beginning with the 1984 leave year (January 8, 1984), to [*sic*] those reporters who were placed on regular tours of duty with fixed hours specified in advance would earn annual leave under the Leave Act. This resolution in no way purported to alter the scope of the Leave Act; it merely authorized the courts to standardize their reporters' hours and liberate the reporters from the exception to the Leave Act that prevented their obtaining benefits. The Administrative Office merely took the steps necessary to carry out the Judicial Conference's resolution, including instructing the offices of the clerks of court to maintain official leave records for reporters who had been assigned regular tours of duty.

The leave records, as maintained by the clerk's office, are still the only accurate records and the only ones which we can honor. As indicated in our letter of January 12, 1937, if you will have the clerk's office send us an accurate SF 1150 reflecting 197 hours of annual leave and 234 hours of sick leave, we shall promptly process and pay you for your lump sum annual leave.

Sincerely yours,

/s/ Raymond J. Mealy
RAYMOND J. MEALY
Chief, Court Branch

cc: Chief Judge Cohill
Catherine Martrano, Clerk

January 12, 1987

Mr. Marvin D. Cutright
Cutright, Lilienthal & Powers, Inc.
Certified Court Reporters
711 The Bigelow
Pittsburgh, Pennsylvania 15219

Dear Mr. Cutright:

Reference is made to the Standard Form 1150, Record of Leave Data, which you recently sent to us. On this form, you indicated that, when you retired, you had an annual leave balance of 1281 hours and a sick leave balance of 2976 hours. According to the District Clerk's Office, which maintains your leave records, you only had 197 hours of annual leave and 284 hours of sick leave.

It appears that the difference is due to the fact that you computed your leave from the date of your initial appointment on August 30, 1958 and pro rated a higher leave rate since you worked more than 40 hours per week. Enclosed is a copy of the Administrative Office memorandum dated December 16, 1983 which established guidelines for providing annual leave for court reporters. As you will note, there were no provisions for retroactive credit and that the maximum accumulation was eight hours biweekly or 26 days (240 hours) per leave year. This maximum number of hours a pay period cannot be exceeded even if the hours worked exceeded 80 hours a pay period. The leave regulations only permit a prorated number of hours when the normal tour is less than full-time. The memorandum also indicated that the maximum annual leave accumulation that could be carried over to the next year was 240 hours, un-

less restored. Sick leave for full-time employees is earned at the rate of four hours per pay period with no maximum amount of accumulation. Under the guidelines contained in the Administrative Office's memorandum dated April 12, 1984 (copy enclosed) sick leave began accumulating the same date as did annual leave, or no earlier than the first pay period in January 1984.

In order that we may process your S.F. 115 and pay you for your unused accumulated annual leave, it will be necessary for us to receive a new form signed by the Clerks Office and reflecting the correct number of hours.

If you have any further questions in this regard, please contact Walter Simon of my staff at FTS 633-6060.

Sincerely yours,

RAYMOND J. MEALY
Chief, Court Branch

cc: Chief Judge Maurice B. Cohill, Jr.
Catherine C. Martrano, Clerk

Enclosures

WFS:tcg 1/9/87

DAYBOOK (CB)
WALTER SIMON
MR. MECHAM
JON LEETH

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
Washington, D.C. 20544

December 16, 1983

William E. Foley
Director

Joseph F. Spaniol, Jr.
Deputy Director

MEMORANDUM TO ALL:

Chief Judge, United States District Courts
District Court Executives
Clerks, United States District Courts
Court Reporters Supervisors
Court Reporters

SUBJECT:

Application of Leave Act to Provide Annual Leace for Court Reporters

The Judicial Conference in September 1983 adopted the following policy:

> Beginning with the 1984 leave year (effective January 8, 1984) a reporter who has been placed on a regular tour of duty consisting of a set number of work hours per week in the courthouse, specified in advance, during which hours the reporter may generate transcripts but may not perform any private (freelance) work of any kind, the reporter is to earn annual leave in accordance with the Leave Act, 5 U.S.C. 6301 et. seq. [*sic*]

For court reporters to earn annual leave, the court must state in its court reporter management plan

that reporters are assigned a regular tour of duty, and specify the regular hours of attendance. No annual leave is to be earned by reporters who are not assigned a regular tour of duty by the court.

Reporters who are assigned to a 40-hour per week tour of duty will earn the full amount of annual leave permitted by the Leave Act. Reporters who are assigned to a tour of duty consisting of fewer than 40 hours per week will earn annual leave on a pro rata basis. For example, a reporter assigned to a 20-hour per week tour of duty would earn one-half the amount of annual leave permitted by the Leave Act.

Reporters who are not covered by the Leave Act shall as heretofore provide substitutes at their own expense when taking vacations or leave for personal business, except for excused absences because of medical reasons. In this regard, reference is made to the resolution of the Judicial Conference of March 1982. (See Attachment A.)

IN THE UNITED STATES CLAIMS COURT

No. 172-88C

MARVIN D. CUTRIGHT, PLAINTIFF

v.

THE UNITED STATES, DEFENDANT

AFFIDAVIT

I, Catherine D. Martrano, Clerk of Court for the U.S. District Court, Western District of Pennsylvania, verify that, pursuant to the resolution of the Judicial Conference in September 1983, and in accordance with the action taken by the Board of Judges of this court on January 9, 1984, the official court reporters of this court were placed on the Leave System effective January 9, 1984. Since that date, the leave records maintained by the Clerk for all court employees have included annual and sick leave records for all of the official court reporters.

On October 3, 1986, Marvin D. Cutright, Official Court Reporter, retired and the leave records kept on his behalf in the Clerk's Office showed balances of 197 annual hours and 284 sick hours at the time of his separation. A Record of Leave Data (SF 1150) containing Mr. Cutright's final leave balances, as taken from the records of the Clerk's Office, was mailed to the Personnel Division of the Administrative Office on April 2, 1987.

Upon the information available to me, I declare under penalty of perjury that the information provided in this affidavit is true and correct.

/s/ Catherine D. Martrano
CATHERINE D. MARTRANO
Clerk of Court
September 19, 1989

(Original affidavit submitted with the Government's Cross Motion for Summary Judgment, September 27, 1989, *Marvin D. Cutright v. United States*, Cl. Ct. 172-88C.)

BEST AVAILABLE COPY

* U.S. GOVERNMENT PRINTING OFFICE: 1978—781-168/514

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COPY TO MARVIN
4-2-87 USIA

RECORD OF LEAVE DATA

1. Name (Last, First, Middle)	2. Social Security Number	3. (For agency use)
Cutright, Marvin D.	198-24-0237	

4. Date and Nature of Separation	5. A. Subject to 5 U.S.C. 6304(f) (45 day leave ceiling)	Yes	No
10-03-86 Retirement	B. Last Date Subject to 5 U.S.C. 6304(f)	C. Annual Leave Balance as of That Date (Hours)	

6. Total Service for Leave (as of Date of Separation)	XXX	More than 15 Years			
		Less Than 15 Years (show)	Years	Months	Days

SUMMARY OF ANNUAL AND SICK LEAVE

	MO.	DAY	YEAR	HOURS Annual	Sick	Restored
7. Carryover Balance From Prior Leave Year Ending	01	03	87	214	208	--
8. Current Leave Year Accrual Through Pay Period Ending (if 90 day restriction applicable, explain in remarks)	09	27	87	152	76	
9. Total				366	284	
10. Reduction in Credits, If Any (current year)				--	--	
11. Total Leave Taken, Current Year Through Date of Separation				169	-0-	
12. Balance				197	284	
13. Total Hours Paid in Lump Sum (Includes _____ hours for holidays)						

14. Salary Rate(s) Per Hour:

15. Lump Sum Leave Dates (if part-time tour, explain in Remarks)		MO.	DAY	YEAR	HOURS
	From				
	Thru				
a. Restored	From				
	Thru				
b. Annual Leave Above Ceiling	From				
	Thru				
c. Annual Leave Within Ceiling	From				
	Thru				

ABSENCE WITHOUT PAY

16. During Leave Year in Which Separated	Hours

17. A. Date of Last Equivalent Increase	MO.	DAY	YEAR

B. Total AWOP Hours Since Last Equivalent Increase (except during military service and while in receipt of OWCP payments)	Hours

SUMMARY OF HOME LEAVE

18. Basic Service Period of 24 Months of Continuous Service Abroad:	MO.	DAY	YEAR
Date Started			
Date Completed			

19. Current 12 Months Accrual Period Began on	MO.	DAY	YEAR

Hours Absent Without Pay Since That Date →

20. Current Balance (or accrual) as of	MO.	DAY	YEAR

Number of Days →

21. Twelve Months Accrual Date as of Date of Separation
Number of Days →

22. Dates Leave Used Prior 24 Months

FROM MO.	FROM DAY	FROM YEAR	TO MO.	TO DAY	TO YEAR

MILITARY LEAVE

23. During Current Calendar Year

	FROM MO.	FROM DAY	FROM YEAR	TO MO.	TO DAY	TO YEAR
A. Regular—Active Duty or Training						
B. Special—Civil Disturbance						

24. Remarks (include shore leave information, if applicable):

This form submitted in order to replace the returned SF 1150 form signed by Chief Judge Cohill on 12-10-86. A letter from the Chief of the Court Branch accompanied the returned SF 1150 form stating that the clerk's office maintained the official leave records for Mr. Cutright, and that since the 12-10-86 1150 form did not reflect the balances in the clerk's office, it could not be processed.

6a

25. Certified Correct By: (Signature)	26. Title, Agency, Address, Telephone Number	27. Date
Catherine Martrano	Catherine Martrano, Clerk of Court P.O. Box 1805, Pgh. Pa. 15230	03-25-87

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